

**GORDON AFFIDAVIT,
EXHIBIT B**

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**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:07-cv-20332-DLG**

Millenia Luxury Condominiums (Florida), LLC et al v.
Hudson Realty Capital Fund III LP
Assigned to: Judge Donald L. Graham
Referred to: Magistrate Judge John J. O'Sullivan
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 02/08/2007
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

**Millenia Luxury Condominiums
(Florida), LLC**

represented by **Charles M. Tatelbaum**
Adorno & Yoss
350 E Las Olas Boulevard
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Fort Lauderdale, FL 33301-4217
954-766-7820-fax-866
Fax: 621-4198
Email: ctatelbaum@adorno.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen C. Hunt
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Fort Lauderdale, FL 33301-4217
954-766-7834
Fax: 954-766-7800
Email: shunt@adorno.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Eduardo Avila

represented by **Charles M. Tatelbaum**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen C. Hunt
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jack Kaplan

represented by **Charles M. Tatelbaum**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen C. Hunt
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Hudson Realty Capital Fund III LP
A Delaware limited partnership

represented by **Martin Briner Woods**
Stearns Weaver Miller Weissler
Alhadeff & Sitterson
200 E Las Olas Boulevard
New River Center Suite 2100
Fort Lauderdale, FL 33301
954-462-9555
Fax: 462-9567
Email: mwoods@swmwas.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

HRC Fund III Pooling REIT LLC

Defendant

HRC Funding III Pooling Domestic LLC

Date Filed	#	Docket Text
02/08/2007	<u>1</u>	COMPLAINT against Hudson Realty Capital Fund III LP Filing fee \$ 350. Receipt#: 539350, filed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Attachments: # <u>1</u> Appendix)(dj) (Entered: 02/09/2007)
02/08/2007	<u>2</u>	Corporate Disclosure Statement by Millenia Luxury Condominiums (Florida), LLC. (dj) (Entered: 02/09/2007)
02/08/2007	<u>3</u>	Summons Issued as to Hudson Realty Capital Fund III LP. (dj) (Entered: 02/09/2007)
02/28/2007	<u>4</u>	STIPULATION <i>Extending Time for Defendant to Respond to Complaint</i> by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 02/28/2007)
04/04/2007	<u>5</u>	STIPULATION <i>To Extend Time To Respond To Complaint</i> by Hudson Realty Capital Fund III LP, Millenia Luxury Condominiums (Florida),

		LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 04/04/2007)
04/06/2007	6	ORDER granting re 5 Stipulation Extending the Time for Defendant's Response to Complaint filed by Eduardo Avila,, Jack Kaplan,, Millenia Luxury Condominiums (Florida), LLC,, Hudson Realty Capital Fund III LP, Defendant to Respond within seven (7) days.Signed by Judge Donald L. Graham on 4/6/2007.(ls) (Entered: 04/06/2007)
04/06/2007	7	CERTIFICATE of Counsel of Service of a Copy of the Order of the Court dated April 6, 2007 by Charles M. Tatelbaum on behalf of Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan (Tatelbaum, Charles) (Entered: 04/06/2007)
04/10/2007	8	AMENDED COMPLAINT <i>For Declaratory Relief, Damages And Injunctive Relief</i> against Hudson Realty Capital Fund III LP, filed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan.(Tatelbaum, Charles) (Entered: 04/10/2007)
04/11/2007	9	CERTIFICATE OF SERVICE by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan of Complaint and Summons (Tatelbaum, Charles) (Entered: 04/11/2007)
04/11/2007	10	SUMMONS Returned Executed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. Hudson Realty Capital Fund III LP served on 2/15/2007, answer due 3/7/2007. (Tatelbaum, Charles) (Entered: 04/11/2007)
04/19/2007	11	MOTION for Extension of Time to File Response/Reply as to 8 Amended Complaint by Hudson Realty Capital Fund III LP. (Woods, Martin) (Entered: 04/19/2007)
04/20/2007	12	Notice of Instruction to Filer: No proposed Order submitted re 11 MOTION for Extension of Time to File Response/Reply as to 8 Amended Complaint filed by Hudson Realty Capital Fund III LP. Counsel shall comply with the CM/ECF Procedures and submit the final version of the proposed document by e-mail in WordPerfect format. The e-mail subject line and the name of the attachment should include the case number, docket entry number, followed by a short description of the attachment (e.g., 07-cv-20332 Order on M-Enlargement of Time DE 11) to graham@flsd.uscourts.gov. (gw) (Entered: 04/20/2007)
04/30/2007	13	Defendant's MOTION to Dismiss 8 Amended Complaint by Hudson Realty Capital Fund III LP. Responses due by 5/14/2007 (Woods, Martin) (Entered: 04/30/2007)
05/04/2007	14	RESPONSE in Opposition re 13 Defendant's MOTION to Dismiss 8 Amended Complaint filed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 05/04/2007)
05/04/2007	15	NOTICE by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan of Plaintiffs' Request for Oral Argument/Hearing

		<i>Pursuant To Local Rule 7.1(B)</i> (Tatelbaum, Charles) (Entered: 05/04/2007)
05/08/2007	16	ORDER/NOTICE Setting Status Conference: Telephonic Status Conference set for 6/20/2007 02:00 PM before Judge Donald L. Graham. Joint Status Report due by 6/8/07.Signed by Judge Donald L. Graham on 5/7/07.(gw) (Entered: 05/08/2007)
05/11/2007	17	REPLY to Response to Motion re 13 Defendant's MOTION to Dismiss 8 Amended Complaint <i>Reply to Plaintiffs' Response in Opposition to Defendant's Motion to Dismiss and Memorandum of Law</i> filed by Hudson Realty Capital Fund III LP. (Woods, Martin) (Entered: 05/11/2007)
05/21/2007	18	Plaintiff's MOTION for Leave to File <i>Second Amended Complaint</i> by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Attachments: # 1 Exhibit Proposed Second Amended Complaint# 2 Text of Proposed Order Order Granting Plaintiffs' Motion for Leave to File Second Amended Complaint)(Tatelbaum, Charles) (Entered: 05/21/2007)
05/23/2007	19	Notice of Instruction to Filer re 18 Plaintiff's MOTION for Leave to File Second Amended Complaint filed by Eduardo Avila,, Jack Kaplan, Millenia Luxury Condominiums (Florida), LLC. Counsel shall comply with the CM/ECF Procedures and submit the final version of the proposed document by e-mail in WordPerfect format. The e-mail subject line and the name of the attachment should include the case number, docket entry number, followed by a short description of the attachment (e.g., 07-cv-20332 DE 18 Order to graham@flsd.uscourts.gov. (gfw) (Entered: 05/23/2007)
05/25/2007	20	STATUS REPORT (<i>Joint</i>) by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 05/25/2007)
05/29/2007	21	ORDER granting 18 Plaintiff's Motion to File Second Amended Complaint.Signed by Judge Donald L. Graham on 5/29/07. (gfw) (Entered: 05/29/2007)
05/31/2007	22	Second MOTION to Dismiss 21 Order on Motion for Leave to File by Hudson Realty Capital Fund III LP. Responses due by 6/14/2007 (Woods, Martin) (Entered: 05/31/2007)
06/05/2007	23	Summons Issued as to HRC Funding III Pooling Domestic LLC. (tb) (Entered: 06/06/2007)
06/07/2007	24	NOTICE by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan <i>of (Joint) Election To Jurisdiction By A United States Magistrate Judge For Final Disposition Of Motions</i> (Tatelbaum, Charles) (Entered: 06/07/2007)
06/07/2007	25	NOTICE by HRC Fund III Pooling REIT LLC, HRC Funding III Pooling Domestic LLC re 22 Second MOTION to Dismiss 21 Order on Motion

		for Leave to File <i>Defendants' Notice of Joinder in Defendants' Second Motion to Dismiss</i> (Woods, Martin) (Entered: 06/07/2007)
06/08/2007	26	Notice of Instruction to Filer ; re 25 Notice (Other), Notice (Other) filed by HRC Fund III Pooling REIT LLC., HRC Funding III Pooling Domestic LLC. ERROR: Incorrect "Notice (Other)" event used; Correct event to use in the <i>FUTURE</i> is "Notice of Adoption" found under Notices. (gp) (Entered: 06/08/2007)
06/15/2007	27	SUMMONS Returned Executed by Millenia Luxury Condominiums (Florida), LLC. HRC Fund III Pooling REIT LLC served on 6/5/2007, answer due 6/25/2007. (Hunt, Stephen) (Entered: 06/15/2007)
06/15/2007	28	SUMMONS Returned Executed by Millenia Luxury Condominiums (Florida), LLC. HRC Funding III Pooling Domestic LLC served on 6/5/2007, answer due 6/25/2007. (Hunt, Stephen) (Entered: 06/15/2007)
06/15/2007	29	RESPONSE in Opposition re 22 Second MOTION to Dismiss 21 Order on Motion for Leave to File filed by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Tatelbaum, Charles) (Entered: 06/15/2007)
06/20/2007	30	REPLY to Response to Motion re 22 Second MOTION to Dismiss 21 Order on Motion for Leave to File <i>Reply to Plaintiffs' Response in Opposition to Defendants' Second Motion to Dismiss and Memorandum of Law</i> filed by Hudson Realty Capital Fund III LP, HRC Fund III Pooling REIT LLC, HRC Funding III Pooling Domestic LLC. (Woods, Martin) (Entered: 06/20/2007)
06/20/2007	31	Minute Entry for proceedings held before Judge Donald L. Graham : Status Conference held on 6/20/2007. Court Reporter: Carly Horenkamp (Attachments: # 1) (ag) Modified file date on 7/5/2007 (dg). (Entered: 06/26/2007)
06/27/2007	32	MOTION for Leave to File <i>Supplemental Memorandum of Law In Support Of Plaintiffs' Opposition To Defendants' Second Motion To Dismiss</i> by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan. (Attachments: # 1 Exhibit Supplemental Memorandum of Law# 2 Text of Proposed Order)(Tatelbaum, Charles) (Entered: 06/27/2007)
06/29/2007	33	ORDER denying 32 Plaintiffs' Motion for Leave to File Supplemental Memorandum of Law in Support of Plaintiffs' Response in Opposition to Defendants' Second Motion to Dismiss. Signed by Judge Donald L. Graham on 6/28/07. (gfw) (Entered: 06/29/2007)
07/06/2007	34	ORDER REFERRING CASE to Magistrate Judge John J. O'Sullivan for Discovery;Signed by Judge Donald L. Graham on 07/06/2007.(bs) (Entered: 07/06/2007)
07/06/2007	35	ORDER REFERRING CASE to Mediation. 15 days to appoint mediator.Signed by Judge Donald L. Graham on 07/06/2007.(bs) (Entered: 07/06/2007)

07/06/2007	36	SCHEDULING ORDER: Pretrial Conference set for 3/12/2008 02:00 PM before Judge Donald L. Graham. Jury Trial set for 4/14/2008 09:00 AM before Judge Donald L. Graham. Calendar Call set for 4/9/2008 02:00 PM before Judge Donald L. Graham. Amended Pleadings due by 10/29/2007. Discovery due by 1/14/2008. Joinder of Parties due by 10/29/2007. Motions due by 1/28/2008. Pretrial Stipulation due by 3/10/2008. Deadline to exchange experts due by 11/28/07. Deadline to exchange rebuttal experts due by 12/19/07. Jury Instructions and Verdict Forms or Proposed Findings of Fact and Conclusions of Law and Proposed Voir Dire Questions due by 4/2/08. Signed by Judge Donald L. Graham on 7/6/07. (gfw) (Entered: 07/06/2007)
07/09/2007	37	NOTICE OF UNAVAILABILITY by Millenia Luxury Condominiums (Florida), LLC, Eduardo Avila, Jack Kaplan for dates of April 7, 2008 to April 21,2008 <i>as a potential conflict to the scheduled trial date.</i> (Attachments: # 1)(Tatelbaum, Charles) (Entered: 07/09/2007)
07/10/2007	38	Notice of Instruction to Filer, Notice of Docket Correction: re 37 Notice of Unavailability filed by Eduardo Avila, Jack Kaplan, Millenia Luxury Condominiums (Florida), LLC. ERROR: Attachments to document did not have a description; <i>FUTURE</i> documents containing attachments need to be described.- Corrected by Court. (gp) (Entered: 07/10/2007)
07/26/2007	39	ORDER Scheduling Mediation Mediation Hearing set for 10/22/2007 09:00 AM Signed by Judge Donald L. Graham on 7/26/07.(hd) (Entered: 07/27/2007)
10/23/2007	40	ORDER denying as moot 11 Defendant's Motion for Enlargement of Time to Respond to Amended Complaint. Signed by Judge Donald L. Graham on 10/23/07. (gfw) (Entered: 10/23/2007)

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